

# Daily Digest

## HIGHLIGHTS

Senate agreed to the motion to concur in the amendment of the House of Representatives to S. 1301, Promoting Physical Activity for Americans Act, with an amendment. (The legislative vehicle for the debt limit suspension).

## Senate

### Chamber Action

*Routine Proceedings, pages S6949–S7012*

**Measures Introduced:** Thirty-six bills and eleven resolutions were introduced, as follows: S. 2951–2986, S.J. Res. 28, and S. Res. 410–419.

**Pages S6997–99**

#### Measures Passed:

**Donna M. Doss Memorial Act:** Senate passed S. 233, to designate the Rocksprings Station of the U.S. Border Patrol located on West Main Street in Rocksprings, Texas, as the “Donna M. Doss Border Patrol Station”. **Page S6992**

**Sylvia H. Rambo United States Courthouse:** Senate passed S. 1226, to designate the United States courthouse located at 1501 North 6th Street in Harrisburg, Pennsylvania, as the “Sylvia H. Rambo United States Courthouse”. **Page S6992**

**Malcolm J. Howard United States Courthouse:** Senate passed S. 2205, to designate the United States courthouse located at 201 South Evans Street in Greenville, North Carolina, as the “Malcolm J. Howard United States Courthouse”. **Page S6992**

**Louisa Swain Federal Office Building:** Senate passed S. 2126, to designate the Federal Office Building located at 308 W. 21st Street in Cheyenne, Wyoming, as the “Louisa Swain Federal Office Building”. **Page S6992**

**National Hispanic-Serving Institutions Week:** Committee on the Judiciary was discharged from further consideration of S. Res. 372, designating the week beginning September 13, 2021, as “National Hispanic-Serving Institutions Week”, and the resolution was then agreed to. **Page S6992**

**National Childhood Cancer Awareness Month:** Committee on the Judiciary was discharged from

further consideration of S. Res. 400, designating September 2021 as “National Childhood Cancer Awareness Month”, and the resolution was then agreed to. **Page S6992**

**Energy Efficiency Day:** Senate agreed to S. Res. 411, designating October 6, 2021, as “Energy Efficiency Day” in celebration of the economic and environmental benefits that have been driven by private sector innovation and Federal energy efficiency policies. **Pages S6992–93**

**National Hydrogen and Fuel Cell Day:** Senate agreed to S. Res. 412, designating October 8, 2021, as “National Hydrogen and Fuel Cell Day”. **Page S6993**

**National Community Policing Week:** Senate agreed to S. Res. 413, designating the week of October 3 through October 9, 2021, as “National Community Policing Week”. **Page S6993**

**World Food Day:** Senate agreed to S. Res. 414, designating October 16, 2021, and October 16, 2022, as “World Food Day”. **Page S6993**

**National Wildlife Refuge Week:** Senate agreed to S. Res. 415, designating the week beginning on October 10, 2021, as “National Wildlife Refuge Week”. **Page S6993**

**National Chemistry Week:** Senate agreed to S. Res. 416, designating the week of October 17 through 23, 2021, as “National Chemistry Week”. **Page S6993**

**Buddy Check Week:** Committee on Veterans’ Affairs was discharged from further consideration of S. 544, to direct the Secretary of Veterans Affairs to designate one week each year as “Buddy Check Week” for the purpose of outreach and education concerning peer wellness checks for veterans, and the bill was then passed. **Page S6993**

***Protecting Moms Who Served Act:*** Committee on Veterans' Affairs was discharged from further consideration of S. 796, to codify maternity care coordination programs at the Department of Veterans Affairs, and the bill was then passed, after agreeing to the following amendment proposed thereto:

**Pages S6993–94**

Luján (for Tester) Amendment No. 3860, in the nature of a substitute.

**Page S6993**

#### House Messages:

***Promoting Physical Activity for Americans Act:*** By 50 yeas to 48 nays (Vote No. 412), Senate agreed to the motion to concur in the amendment of the House of Representatives to S. 1301, to provide for the publication by the Secretary of Health and Human Services of physical activity recommendations for Americans, with Schumer Amendment No. 3847, in the nature of a substitute, after taking action on the following motions and amendments proposed thereto:

**Pages S6953–54, S6975–90**

Withdrawn:

Schumer Amendment No. 3848 (to Amendment No. 3847), to change the effective date.

**Pages S6953–54, S6990**

During consideration of this measure today, Senate also took the following action:

A unanimous-consent agreement was reached providing that the motion to invoke cloture on Schumer motion to concur in the amendment of the House to the bill, be withdrawn.

**Page S6953**

Schumer motion to refer the bill to the Committee on Finance, with instructions, Schumer Amendment No. 3837 (to (the instructions), to change the enactment date, was tabled.

**Page S6953**

Schumer motion to concur in the amendment of the House to the bill, with Schumer Amendment No. 3835, to change the enactment date, was tabled.

**Page S6953**

Schumer Amendment No. 3838 (to (the instructions) Amendment No. 3837), of a perfecting nature, fell when Schumer Amendment No. 3837 (to (the instructions) (listed above) was tabled.

**Page S6953**

Schumer Amendment No. 3839 (to Amendment No. 3838), of a perfecting nature, fell when Schumer Amendment No. 3838 (to (the instructions) Amendment No. 3837) (listed above) fell.

**Page S6953**

Schumer Amendment No. 3836 (to Amendment No. 3835), of a perfecting nature, fell when Schumer Amendment No. 3835 (listed above) was tabled.

**Page S6953**

By 61 yeas to 38 nays (Vote No. 411), three-fifths of those Senators duly chosen and sworn, having voted in the affirmative, Senate agreed to the motion to close further debate on Schumer motion to concur

in the amendment of the House to the bill, with Schumer Amendment No. 3847 (listed above).

**Pages S6953–54, S6989–90**

Schumer motion to refer the bill to the Committee on Finance, with instructions, Schumer Amendment No. 3849, to change the effective date, fell when cloture was invoked on Schumer motion to concur in the amendment of the House to the bill, with Schumer Amendment No. 3847 (listed above).

**Pages S6954, S6990**

Schumer Amendment No. 3850 (to (the instructions Amendment No. 3849), to modify the effective date, fell when Schumer Amendment No. 3849, to change the effective date, fell.

**Pages S6954, S6990**

Schumer Amendment No. 3851 (to Amendment No. 3850), to modify the effective date, fell when Schumer Amendment No. 3850 (to (the instructions Amendment No. 3849) (listed above) fell.

**Pages S6954, S6990**

A second motion was entered to close further debate on Schumer motion to concur in the amendment of the House to the bill, and the point was rendered moot.

**Pages S6954, S6989**

**Pro Forma Sessions—Agreement:** A unanimous-consent agreement was reached providing that the Senate adjourn, to then convene for pro forma sessions only, with no business being conducted on the following dates and times, and that following each pro forma session, the Senate adjourn until the next pro forma session: Friday, October 8, 2021, at 11:30 a.m.; Tuesday, October 12, 2021, at 12 noon; Thursday, October 14, 2021 at 5 p.m.; and that when the Senate adjourns on Thursday, October 14, 2021, it next convene at 3 p.m., on Monday, October 18, 2021.

**Page S7012**

**Motion to Discharge Lhamon Nomination:** Pursuant to S. Res. 27, Committee on Health, Education, Labor, and Pensions being tied on the question of reporting, the Majority Leader made the motion to discharge the Committee on Health, Education, Labor, and Pensions from further consideration of the nomination of Catherine Elizabeth Lhamon, of California, to be Assistant Secretary for Civil Rights, Department of Education.

**Pages S6954–75**

By 50 yeas to 49 nays (Vote No. EX. 410), Senate agreed to the motion to discharge the nomination from the Committee on Health, Education, Labor, and Pensions. Subsequently, the nomination was placed on the Executive Calendar pursuant to the provisions of S. Res. 27, relative to Senate procedure in the 117th Congress.

**Page S6975**

**Gelpi Nomination—Agreement:** Senate began consideration of the nomination of Gustavo A. Gelpi, of

Puerto Rico, to be United States Circuit Judge for the First Circuit. **Pages S6954, S6990–91**

A motion was entered to close further debate on the nomination. **Page S6954**

During consideration of this nomination today, Senate also took the following action:

By 54 yeas to 39 nays (Vote No. EX. 413), Senate agreed to the motion to close further debate on the nomination. **Pages S6990–91**

Prior to the consideration of this nomination, Senate took the following action:

Senate agreed to the motion to proceed to Executive Session to consider the nomination. **Page S6954**

A unanimous-consent agreement was reached providing that all post-cloture time be considered expired, and Senate vote on confirmation of the nomination at 5:30 p.m. on Monday, October 18, 2021. **Page S7012**

**Giles Nomination—Cloture:** Senate began consideration of the nomination of Patricia Tolliver Giles, to be United States District Judge for the Eastern District of Virginia. **Page S6991**

A motion was entered to close further debate on the nomination. **Page S6991**

Prior to the consideration of this nomination, Senate took the following action:

Senate agreed to the motion to proceed to Executive Session to consider the nomination. **Page S6991**

A unanimous-consent agreement was reached providing that the motion to invoke cloture on the nomination be withdrawn. **Page S6995**

**O'Hearn Nomination—Cloture:** Senate began consideration of the nomination of Christine P. O'Hearn, to be United States District Judge for the District of New Jersey. **Pages S6994–95**

A motion was entered to close further debate on the nomination, and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur upon disposition of the nomination of Patricia Tolliver Giles, to be United States District Judge for the Eastern District of Virginia. **Pages S6994–95**

Prior to the consideration of this nomination, Senate took the following action:

Senate agreed to the motion to proceed to Executive Session to consider the nomination. **Page S6994**

A unanimous-consent agreement was reached providing that Senate resume consideration of the nomination at approximately 3 p.m., on Monday, October 18, 2021. **Page S7012**

**Nominations Confirmed:** Senate confirmed the following nominations:

Xochitl Torres Small, of New Mexico, to be Under Secretary of Agriculture for Rural Development.

Alexander Hoehn-Saric, of Maryland, to be Chairman of the Consumer Product Safety Commission.

Alexander Hoehn-Saric, of Maryland, to be a Commissioner of the Consumer Product Safety Commission for a term of seven years from October 27, 2020. **Page S6991**

**Nominations Received:** Senate received the following nominations:

Elizabeth de Leon Bhargava, of New York, to be an Assistant Secretary of Housing and Urban Development.

Kathy K. Im, of Illinois, to be a Member of the Board of Directors of the Corporation for Public Broadcasting for a term expiring January 31, 2024.

Thomas E. Rothman, of California, to be a Member of the Board of Directors of the Corporation for Public Broadcasting for a term expiring January 31, 2026.

Elizabeth M. Sembler, of Florida, to be a Member of the Board of Directors of the Corporation for Public Broadcasting for a term expiring January 31, 2026.

Elaine Trevino, of California, to be Chief Agricultural Negotiator, Office of the United States Trade Representative, with the rank of Ambassador.

1 Army nomination in the rank of general.

**Page S7012**

**Nomination Discharged:** The following nomination were discharged from further committee consideration and placed on the Executive Calendar:

Catherine Elizabeth Lhamon, of California, to be Assistant Secretary for Civil Rights, Department of Education, which was sent to the Senate on May 13, 2021, from the Senate Committee on Health, Education, Labor, and Pensions. **Page S7012**

**Executive Reports of Committees:** **Page S6997**

**Additional Cosponsors:** **Pages S6999–S7001**

**Statements on Introduced Bills/Resolutions:** **Pages S7001–07**

**Additional Statements:** **Page S6997**

**Amendments Submitted:** **Pages S7007–12**

**Authorities for Committees to Meet:** **Page S7012**

**Privileges of the Floor:** **Page S7012**

**Record Votes:** Four record votes were taken today. (Total—413) **Pages S6975, S6989–90, S6990, S6991**

**Adjournment:** Senate convened at 10 a.m. and adjourned at 9:23 p.m., until 11:30 a.m. on Friday, October 8, 2021. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S7012.)

## Committee Meetings

(Committees not listed did not meet)

### NOMINATIONS

*Committee on Armed Services:* Committee concluded a hearing to examine the nominations of David A. Honey, of Virginia, to be Deputy Under Secretary, and Brenda Sue Fulton, of New Jersey, to be an Assistant Secretary, who was introduced by Representative Sherrill, both of the Department of Defense, and Corey Hinderstein, of Virginia, to be Deputy Administrator for Defense Nuclear Nonproliferation, National Nuclear Security Administration, Department of Energy, who was introduced by former Senator Nunn, after the nominees testified and answered questions in their own behalf.

### NOMINATIONS

*Committee on Banking, Housing, and Urban Affairs:* Committee concluded a hearing to examine the nominations of Matthew S. Axelrod, of Maryland, to be an Assistant Secretary of Commerce, and Alanna McCargo, of Virginia, to be President, Government National Mortgage Association, and James Arthur Jemison II, of Michigan, and Mark Colon, of New York, both to be an Assistant Secretary, all of the Department of Housing and Urban Development, after the nominees testified and answered questions in their own behalf.

### TELEHEALTH

*Committee on Commerce, Science, and Transportation:* Subcommittee on Communications, Media, and Broadband concluded a hearing to examine the state of telehealth, focusing on removing barriers to access and improving patient outcomes, after receiving testimony from Brendan Carr, Commissioner, Federal Communications Commission; Sterling N. Ransone Jr., American Academy of Family Physicians, Deltaville, Virginia; Sanjeev Arora, University of New Mexico Health Sciences Center, Albuquerque; and Deanna Larson, Avel eCare, Sioux Falls, South Dakota.

### NOMINATIONS

*Committee on Health, Education, Labor, and Pensions:* Committee concluded a hearing to examine the nominations of Lisa M. Gomez, of New Jersey, and Jose Javier Rodriguez, of Florida, both to be an Assistant Secretary of Labor, after the nominees, who were introduced by Senator Murray, testified and answered questions in their own behalf.

### BUSINESS MEETING

*Committee on the Judiciary:* Committee ordered favorably reported the nominations of Rahul Gupta, of West Virginia, to be Director of National Drug Control Policy, and Elizabeth Prelogar, of Idaho, to be Solicitor General of the United States, Department of Justice.

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# House of Representatives

## Chamber Action

The House was not in session today. The House is scheduled to meet in Pro Forma session at 10 a.m. on Friday, October 8, 2021.

## Committee Meetings

### A HEARING TO REVIEW THE STATE OF THE LIVESTOCK INDUSTRY

*Committee on Agriculture:* Full Committee held a hearing entitled “A Hearing to Review the State of the Livestock Industry”. Testimony was heard from Senator Grassley; Tom Vilsack, Secretary, Department of Agriculture; and public witnesses.

### 20 YEARS AFTER 9/11: EXAMINING EMERGENCY COMMUNICATIONS

*Committee on Homeland Security:* Subcommittee on Emergency Preparedness, Response, and Recovery held a hearing entitled “20 Years After 9/11: Examining Emergency Communications”. Testimony was heard from Chris Rodriguez, Director, Homeland Security and Emergency Management Agency, Washington D.C.; Mel Maier, Captain, Oakland County Sheriff's Office, Michigan; Chris Lombard, Deputy Chief, Seattle Fire Department, Washington; and H.D. Deloach, Sheriff, Putnam County, Florida.

### ASSESSING THE ELECTION ‘AUDIT’ IN ARIZONA AND THREATS TO AMERICAN DEMOCRACY

*Committee on Oversight and Reform:* Full Committee held a hearing entitled “Assessing the Election